



General Assembly

February Session, 2002

Amendment

LCO No. 2953

SB0007502953SD0

Offered by:

SEN. DAILY, 33rd Dist.

To: Subst. Senate Bill No. 75

File No. 240

Cal. No. 180

***"AN ACT AMENDING THE CHARTER OF THE SOUTH CENTRAL
CONNECTICUT REGIONAL WATER AUTHORITY."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 1 of special act 77-98, as amended by section 5 of
4 special act 99-12, is amended to read as follows (*Effective from passage*):

5 It is found and declared as a matter of legislative determination that
6 the creation of the South Central Connecticut Regional Water
7 Authority for the primary purpose of providing and assuring the
8 provision of an adequate supply of pure water and the safe disposal of
9 wastewater at reasonable cost within the South Central Connecticut
10 Regional Water District and such other areas as may be served
11 pursuant to cooperative agreements and acquisitions authorized by
12 section 11 of special act 77-98, as amended by section 5 of special act
13 78-24 and section 3 of special act 84-46 and this act, and, to the degree
14 consistent with the foregoing, of advancing water conservation and the

15 conservation and compatible recreational use of land held by the
16 authority, and the carrying out of its powers, purposes, and duties
17 under sections 1 to 33, inclusive, of special act 77-98, as amended by
18 special act 78-24, special act 84-46 and sections 5 to 7, inclusive, of [this
19 act, are] special act 99-12 and this act, and for the benefit of the people
20 residing in the South Central Connecticut Regional Water District and
21 the State of Connecticut, and for the improvement of their health,
22 safety and welfare, that said purposes are public purposes, and that
23 the authority will be performing an essential governmental function in
24 the exercise of its powers under sections 1 to 33, inclusive, of special
25 act 77-98, as amended by special act 78-24, special act 84-46 and
26 sections 5 to 7, inclusive, of [this act] special act 99-12 and this act.

27 Sec. 2. Section 2 of special act 77-98, as amended by section 1 of
28 special act 78-24, is amended to read as follows (*Effective from passage*):

29 As used in sections 1 to 33, inclusive, of special act 77-98, as
30 amended by [this act] special act 78-24, unless a different meaning
31 appears in the context: "Authority" means the South Central
32 Connecticut Regional Water Authority created by section 5 of special
33 act 77-98, as amended by section 4 of special act 78-24 and this act;
34 "district" means the South Central Connecticut Regional Water District
35 created by section 3 of special act 77-98, as amended by section 2 of
36 special act 78-24; [; "representative policy board"] "Representative
37 policy board" means the representative policy board of the South
38 Central Connecticut Regional Water District created by section 4 of
39 special act 77-98, as amended by section 3 of special act 78-24; "chief
40 executive officer" means that full time employee of the authority
41 responsible for the execution of the policies of the authority and for the
42 direction of the other employees of the authority; "treasurer" means the
43 treasurer of the authority; "customer" means any person, firm,
44 corporation, company, association or governmental unit furnished
45 water or wastewater service by the authority or any owner of property
46 who guarantees payment for water or wastewater service to such
47 property; "properties" means the water supply and distribution system
48 or systems, wastewater collection and treatment systems and other real

49 or personal property of the authority; "bonds" means bonds, notes and
50 other obligations issued by the authority; "revenues" means all rents,
51 charges and other income derived from the operation of the properties
52 of the authority; "wastewater" means any substance, liquid or solid,
53 which may contaminate or pollute or affect the cleanliness or purity of
54 any water; "water supply system" means plants, structures and other
55 real and personal property acquired, constructed or operated for the
56 purpose of supplying water, including land, reservoirs, basins, dams,
57 canals, aqueducts, standpipes, conduits, pipelines, mains, pumping
58 stations, water distribution systems, compensating reservoirs,
59 waterworks or sources of water supply, wells, purification or filtration
60 plants or other plants and works, connections, rights of flowage or
61 diversion and other plants, structures, conveyances, real or personal
62 property or rights therein and appurtenances necessary or useful and
63 convenient for the accumulation, supply or distribution of water;
64 "wastewater system" means plants, structures and other real and
65 personal property acquired, constructed or operated for the purpose of
66 collecting, treating and discharging or reusing wastewater, whether or
67 not interconnected, including wastewater treatment plants, pipes and
68 conduits for collection of wastewater, pumping stations and other
69 plants, works, structures, conveyances, real or personal property or
70 rights therein and appurtenances necessary or useful and convenient
71 for the collection, transmission, treatment and disposition of
72 wastewater; "subsidiary corporation" means a corporation organized
73 under the general statutes or by special act which owns or operates all
74 or part of a water supply system or a wastewater system within the
75 district and all of the voting stock of which is owned by the authority.
76 A reference in sections 1 to 33, inclusive, of special act 77-98, as
77 amended by special act 78-24, and special act 84-46 to any general
78 statute, public act or special act shall include any amendment or
79 successor thereto.

80 Sec. 3. Section 3 of special act 77-98, as amended by section 2 of
81 special act 78-24 and section 1 of special act 84-46, is amended to read
82 as follows (*Effective from passage*):

83 There is created a district to be known as the "South Central
84 Connecticut Regional Water District" which embraces the area and
85 territory of the towns and cities of Ansonia, Beacon Falls, Bethany,
86 Branford, Cheshire, Derby, East Haven, Guilford, Hamden,
87 Killingworth, Madison, Milford, New Haven, North Branford, North
88 Haven, Orange, Oxford, Prospect, Seymour, West Haven and
89 Woodbridge; provided, in the event at any time after June 30, 1982, the
90 authority shall neither own land or properties nor sell water or provide
91 wastewater services directly to customers in any city or town within
92 the district, the area and territory of such city or town thereupon shall
93 be excluded from the district.

94 Sec. 4. Subsection (a) of section 4 of special act 77-98, as amended by
95 section 3 of special act 78-24 and section 2 of special act 84-46, is
96 amended to read as follows (*Effective from passage*):

97 (a) There shall be a representative policy board of the South Central
98 Connecticut Regional Water District which shall consist of one elector
99 from each city and town within the district who shall be appointed by
100 the chief elected official of such city or town, with the approval of its
101 legislative body, and one elector of the state who shall be appointed by
102 the governor. Members shall serve for a term of three years
103 commencing July 1, except that the members first appointed shall
104 serve terms commencing July 1, 1977, and such members appointed
105 from Bethany, East Haven, Killingworth, New Haven, Orange and
106 West Haven shall serve until June 30, 1978, such members appointed
107 from Branford, Guilford, Madison, North Branford, Prospect and
108 Woodbridge shall serve until June 30, 1979, such members appointed
109 from Cheshire, Hamden, Milford, North Haven and Wallingford shall
110 serve until June 30, 1980, and the member first appointed by the
111 governor shall serve for a term commencing upon appointment and
112 ending on the third June thirtieth thereafter; provided members shall
113 continue to serve until their successors are appointed and have
114 qualified. In the event of the resignation, death or disability of a
115 member from any city or town or the state, a successor may be
116 appointed by the chief elected official of such city or town, or in the

117 case of the member appointed by the governor, for the unexpired
118 portion of the term. The chief elected official of each such city or town
119 may appoint a provisional member to serve until December 1, 1977,
120 with full authority to act as a member until said date. Members and
121 provisional members shall receive [fifty] one hundred dollars for each
122 day in which they are engaged in their duties and shall be reimbursed
123 for their necessary expenses incurred in the performance of their
124 duties. They shall elect a chairman and a vice-chairman, who shall be
125 members or provisional members of the representative policy board,
126 and a secretary. The chairman shall receive a per diem payment of 1.5
127 times the amount paid to members and provisional members. The
128 representative policy board shall meet at least quarterly with the
129 authority and such members of the staff of the authority as the
130 representative policy board deems appropriate.

131 Sec. 5. Section 10 of special act 77-98 is amended to read as follows
132 (*Effective from passage*):

133 Whenever a public hearing is required under sections 1 to 33,
134 inclusive, of [this act] special act 77-98, as amended by special act 78-24
135 and this act, notice of such hearing shall be published by the
136 representative policy board at least twenty days before the date set
137 therefor, in a newspaper or newspapers having a general circulation in
138 each city and town comprising the district. Such notice shall set forth
139 the date, time and place of such hearing and shall include a description
140 of the matters to be considered at such hearing. A copy of the notice
141 shall be filed in the office of the clerk of each such city and town and
142 shall be available for inspection by the public. At such hearings, all the
143 users of the water supply system or the wastewater system, owners of
144 property served or to be served and other interested persons shall have
145 an opportunity to be heard concerning the matters under
146 consideration. When appropriate, the chairman of the representative
147 policy board may convene more than one hearing on any matter and
148 direct such hearings to be held in suitable locations within the district
149 so as to assure broader participation by the general public in
150 discussion of the matters under consideration, provided in the case of

151 the sale or transfer of real property pursuant to section 18 of special act
152 77-98, as amended by section 7 of special act 78-24 and this act, a public
153 hearing shall be held in the city or town in which such real property is
154 situated. Any decision of the representative policy board on matters
155 considered at such public hearing shall be in writing and shall be
156 published in a newspaper or newspapers having a general circulation
157 in each city and town comprising the district within thirty days after
158 such decision is made.

159 Sec. 6. Section 11 of special act 77-98, as amended by section 5 of
160 special act 78-24 and section 3 of special act 84-46, is amended to read
161 as follows (*Effective from passage*):

162 Subject to the provisions of sections 1 to 33, inclusive, of special act
163 77-98, as amended by special act 78-24, special act 84-46, sections 5 to 7,
164 inclusive, of special act 99-12, and this act, the authority shall have the
165 power: (a) To sue and be sued; (b) to have a seal and alter the same at
166 its pleasure; (c) to acquire in the name of the authority by purchase,
167 lease or otherwise and to hold and dispose of personal property or any
168 interest therein, including shares of stock of a subsidiary corporation;
169 (d) to acquire in the name of the authority by purchase, lease or
170 otherwise and to hold and dispose of any real property or interest
171 therein, including water rights and rights of way and water discharge
172 rights, which the authority determines to be necessary or convenient,
173 and to acquire any existing wastewater system or water supply system
174 or parts thereof which are wholly or partially within the district as
175 described under section [1 of this act] 3 of special act 78-24, as
176 amended by section 2 of special act 78-24, section 1 of special act 84-46
177 and this act. As a means of so acquiring, the authority or a subsidiary
178 corporation may purchase all of the stock or all or any part of the
179 assets and franchises of any existing privately owned water or
180 wastewater company, whereupon the authority or such subsidiary
181 corporation shall succeed to all rights, powers and franchises thereof.
182 Sections 16-43, 16-50c and 16-50d of the general statutes shall not apply
183 to any action by the authority or a subsidiary corporation or any action
184 by any privately owned water company or sewage company, as

185 defined in section 16-1 of the general statutes, taken to effectuate the
186 acquisition of the stock or all or any part of the assets and franchises of
187 such water company or sewage company by the authority, provided
188 section 16-43 shall apply to any action taken to effectuate the
189 acquisition of the stock or all or any part of the assets and franchises of
190 the Ansonia Derby Water Company by the authority.
191 Notwithstanding any provision of section 25-32 of the general statutes,
192 land may be transferred to the authority or a subsidiary corporation of
193 the authority as part of such an acquisition. The commissioner of
194 health services shall not grant a permit for a change in the use of any
195 class I or class II land owned by the Ansonia Derby Water Company
196 on the effective date of this section and not transferred to the authority
197 or a subsidiary corporation or a permit for the sale, lease or assignment
198 of any such class II land, unless (1) all provisions of section 25-32 are
199 complied with, and (2) the commissioner of health services determines,
200 after holding a hearing, notice of which shall be published not later
201 than thirty days before the hearing in one or more newspapers having
202 a substantial circulation in the municipalities in which the land is
203 located, that such change in the use or sale, lease, or assignment of the
204 land will not have a significant adverse impact upon present and
205 future water supply needs of the authority or a subsidiary corporation
206 of the authority; (e) to construct and develop any water supply system
207 or any wastewater system; (f) to own, operate, maintain, repair,
208 improve, construct, reconstruct, replace, enlarge and extend any of its
209 properties; (g) any provision in any general statute, special act or
210 charter to the contrary notwithstanding, but subject to the provisions
211 of section 12 of special act 77-98, as amended by this act, and section 28
212 of special act 77-98, as amended by section 9 of special act 78-24, to sell
213 water, however acquired, to customers within the district or to any
214 municipality or water company; (h) any provisions in any general
215 statute, special act or charter to the contrary notwithstanding, to
216 purchase water approved by the commissioner of health from any
217 person, private corporation or municipality when necessary or
218 convenient for the operation of any water supply system operated by
219 the authority; (i) to adopt and amend bylaws, rules and regulations for

220 the management and regulation of its affairs and for the use and
221 protection of the water and properties of the authority or a subsidiary
222 corporation and, subject to the provisions of any resolution
223 authorizing the issuance of bonds, rules for the sale of water, the
224 collection and processing of wastewater and the collection of rents and
225 charges [therefore] for both water supply and wastewater functions. A
226 copy of such bylaws, rules and regulations and all amendments
227 thereto, certified by the secretary of the authority, shall be filed in the
228 office of the secretary of the state and with the clerk of each town and
229 city within the district. Any superior court located within the district
230 shall have jurisdiction over any violation of such bylaws, rules or
231 regulations and the authority may prosecute actions before the
232 superior court to enforce such bylaws, rules and regulations; (j) to
233 make contracts and to execute all necessary or convenient instruments,
234 including evidences of indebtedness, negotiable or non-negotiable; (k)
235 to borrow money, to issue negotiable bonds or notes, to fund and
236 refund the same and to provide for the rights of the holders of the
237 authority's obligations; (l) to open the grounds in any public street or
238 way or public grounds for the purpose of laying, installing,
239 maintaining or replacing pipes and conduits, provided upon the
240 completion of such work the grounds shall be restored to the condition
241 they were in previously; (m) to enter into cooperative agreements with
242 other water authorities, municipalities, water districts, [or] water
243 companies or water pollution control authorities within or without the
244 district for interconnection of facilities, for exchange or interchange of
245 services and commodities or for any other lawful purpose necessary or
246 desirable to effect the purposes of sections 1 to 33, inclusive, of special
247 act 77-98, as amended by special act 78-24, special act 84-46 and
248 sections 5 to 7, inclusive, of special act 99-12, such agreements to be
249 binding for a period specified therein; (n) to acquire, hold, develop and
250 maintain land and other real estate and waters for conservation and for
251 compatible active and passive recreational purposes and to levy
252 charges for such uses, provided the state department of health finds
253 that such uses will not harm the quality of water provided by the
254 authority; (o) to apply for and accept grants, loans or contributions

255 from the United States, the state of Connecticut or any agency,
256 instrumentality or subdivision of either of them or from any person,
257 and to expend the proceeds for any of its purposes; (p) to create
258 programs and policies for the purpose of conserving water; (q) to do
259 any and all things necessary or convenient to carry out the powers
260 expressly given in sections 1 to 33, inclusive, of special act 77-98, as
261 amended by special act 78-24, special act 84-76, and sections 5 to 7,
262 inclusive, of special act 99-12 and this act, including the powers
263 granted by the general statutes to stock corporations, except the power
264 to issue stock, and the powers granted by the general statutes to water
265 pollution control authorities.

266 Sec. 7. Section 12 of special act 77-98 is amended to read as follows
267 (*Effective from passage*):

268 The authority shall not sell water to customers in any part of the
269 district with respect to which any person, any firm or any corporation
270 incorporated under the general statutes or any special act has been
271 granted a franchise to operate as a water company, as defined in
272 section 16-1 of the general statutes, or in which any town, city or
273 borough or any district organized for municipal purposes operates a
274 municipal water supply system, unless the legislative body of such
275 town, city, borough or district, such person, or the governing board of
276 such firm or corporation shall consent in writing to such sale by the
277 authority. The authority shall not extend wastewater services into new
278 areas previously unserved without the approval of either the
279 legislative body of the town, city, borough or district in which such
280 area is located or a duly authorized water pollution control authority.
281 Notwithstanding the provisions of any town or district charter, any
282 town or district may sell or transfer a wastewater system to the
283 authority with the approval of the legislative body of such town or
284 district after a public hearing.

285 Sec. 8. Subsection (a) of section 13 of special act 77-98 is amended to
286 read as follows (*Effective from passage*):

287 (a) Except with respect to (1) any real or personal property or
288 interest therein, the legal title to which is vested in the state or a
289 political subdivision thereof, [or with respect to] (2) any existing water
290 supply system, or (3) any existing wastewater system, if such authority
291 cannot agree with any owner upon the terms of acquisition by the
292 authority of any real or personal property or interest therein which the
293 authority is authorized to acquire, the authority may proceed, at its
294 election, in the manner provided in subsection (b) or in the manner
295 provided in subsection (c) of this section.

296 Sec. 9. Section 14 of special act 77-98, as amended by section 6 of
297 special act 78-24 and section 6 of special act 99-12, is amended to read
298 as follows (*Effective from passage*):

299 With the approval of the representative policy board, the authority
300 shall establish just and equitable rates or charges for the use of the
301 water supply system and the wastewater system authorized herein, to
302 be paid by any customer, and may change such rates or charges from
303 time to time. Such water supply system rates or charges shall be
304 established so as to provide funds sufficient in each year, with other
305 water supply related revenues, if any, (a) to pay the cost of
306 maintaining, repairing and operating the water supply system and
307 each and every portion thereof, to the extent that adequate provision
308 for the payment of such cost has not otherwise been made, (b) to pay
309 the principal of and the interest on outstanding water supply bonds of
310 the authority as the same shall become due and payable, (c) to meet
311 any requirements of any resolution authorizing, or trust agreement
312 securing, such bonds of the authority, (d) to make payments in lieu of
313 taxes as provided in section 21 of special act 77-98, as amended by
314 section 8 of special act 78-24 and this act, as the same become due and
315 payable, upon the water supply system properties of the authority or
316 of a subsidiary corporation to the municipalities in which such
317 properties are situated, (e) to provide for the maintenance,
318 conservation and appropriate recreational use of the land of the
319 authority, and (f) to pay all other reasonable and necessary expenses of
320 the authority and of the representative policy board to the extent that

321 such expenses are allocable to the water supply system activities of the
322 authority and the representative policy board. Such wastewater system
323 rates or charges shall be established so as to provide funds sufficient in
324 each year with other wastewater related revenues, if any, (1) to pay the
325 cost of maintaining, repairing and operating the wastewater system
326 and each and every portion thereof, to the extent that adequate
327 provision for the payment of such cost has not otherwise been made,
328 (2) to pay the principal of and the interest on outstanding wastewater
329 bonds of the authority as the same shall become due and payable, (3)
330 to meet any requirements of any resolution authorizing, or trust
331 agreement securing, such bonds of the authority, (4) to pay all other
332 reasonable and necessary expenses of the authority and of the
333 representative policy board to the extent that such expenses are
334 allocable to the wastewater activities of the authority and of the
335 representative policy board. No such rate or charge shall be
336 established until it has been approved by the representative policy
337 board, after said board has held a public hearing at which all the users
338 of the waterworks system or the wastewater system, the owners of
339 property served or to be served and others interested have had an
340 opportunity to be heard concerning such proposed rate or charge. The
341 representative policy board shall approve such rates and charges
342 unless it finds that such rates and charges will provide funds in excess
343 of the amounts required for the purposes described previously in this
344 section, or unless it finds that such rates and charges will provide
345 funds insufficient for such purposes. The rates or charges so
346 established for any class of users or property served shall be extended
347 to cover any additional premises thereafter served which are within
348 the same class, without the necessity of a hearing thereon. Any change
349 in such rates or charges shall be made in the same manner in which
350 they were established. The rates or charges levied upon any customer
351 of any water supply system acquired pursuant to subsection (d) of
352 section 11 of special act 77-98, as amended by section 5 of special act
353 78-24, [and] section 3 of special act 84-46 and this act or served
354 pursuant to a cooperative agreement pursuant to subsection (m) of
355 said section 11 shall not be required to be equalized with the

356 authority's existing rates, but may be set on a separate basis, provided
357 such rates are just, equitable and nondiscriminatory. Such rates or
358 charges, if not paid when due, shall constitute a lien upon the premises
359 served and a charge against the owners thereof, which lien and charge
360 shall bear interest at the same rate as would unpaid taxes. Such lien
361 shall take precedence over all other liens or encumbrances except taxes
362 and may be foreclosed against the lot or building served in the same
363 manner as a lien for taxes, provided all such liens shall continue until
364 such time as they shall be discharged or foreclosed by the authority
365 without the necessity of filing certificates of continuation, but in no
366 event for longer than ten years. The amount of any such rate or charge
367 which remains due and unpaid for thirty days may, with interest
368 thereon at the same rate as unpaid taxes and with reasonable
369 attorneys' fees, be recovered by the authority in a civil action in the
370 name of the authority against such owners. Any municipality shall be
371 subject to the same rate or charges under the same conditions as other
372 users of [such] the water supply system or the wastewater system. The
373 assets or the revenues of the water system shall not be available to
374 satisfy debts, judgments or other obligations arising out of the
375 operation of the wastewater system and the assets or the revenues of
376 the wastewater system shall not be available to satisfy debts,
377 judgments or other obligations arising out of the operation of the water
378 system.

379 Sec. 10. Subsection (a) of section 15 of special act 77-98, as amended
380 by section 7 of special act 99-12, is amended to read as follows (*Effective*
381 *from passage*):

382 (a) The representative policy board shall establish an office of
383 consumer affairs to act as the advocate for consumer interests in all
384 matters which may affect consumers, including without limitation
385 matters of rates, water quality and supply and wastewater service
386 quality. The costs of such office of consumer affairs, unless otherwise
387 provided by the state, shall be paid by the authority.

388 Sec. 11. Section 16 of special act 77-98 is amended to read as follows

389 (Effective from passage):

390 All contracts in excess of [five] fifty thousand dollars for any
391 supplies, materials, equipment, construction work or other contractual
392 services shall be in writing and shall be awarded upon sealed bids or
393 proposals made in compliance with a public notice duly advertised by
394 publication at least ten days before the time fixed for opening said bids
395 or proposals, except for contracts for professional services, when the
396 supplies, materials, equipment or work can only be furnished by a
397 single party or when the authority determines by a two-thirds vote of
398 the entire authority that the award of such contract by negotiation
399 without public bidding will be in the best interest of the authority. The
400 authority may in its sole discretion reject all such bids or proposals or
401 any bids received from a person, firm or corporation the authority
402 finds to be unqualified to perform the contract, and shall award such
403 contract to the lowest responsible bidder qualified to perform the
404 contract.

405 Sec. 12. Subsection (b) of section 17 of special act 77-98 is amended
406 to read as follows (Effective from passage):

407 (b) No member or employee of the representative policy board or of
408 the authority shall accept or receive, directly or indirectly, from any
409 person, firm or corporation to which any contract or purchase order
410 may be awarded, by rebate, gift or otherwise, any [money, or any thing
411 of value or any] promise, obligation or contract for future reward or
412 compensation or any money or any thing of value in excess of ten
413 dollars, provided the aggregate value of all such things provided by a
414 donor to a recipient in any calendar year shall not exceed fifty dollars
415 and, excluding any food or beverage or food and beverage, costing less
416 than fifty dollars in the aggregate per recipient in a calendar year, and
417 consumed on an occasion or occasions at which the person paying,
418 directly or indirectly, for the food or beverage, or his representative, is
419 in attendance. Any person who violates any provision of this
420 subsection shall be fined not more than five hundred dollars or
421 imprisoned for not more than six months or both.

422 Sec. 13. Section 18 of special act 77-98, as amended by section 7 of
423 special act 78-24, is amended to read as follows (*Effective from passage*):

424 (a) Notwithstanding any other provision of sections 1 to 33,
425 inclusive, of [this act] special act 77-98, as amended by special act 78-
426 24, and this act, the authority shall not sell or otherwise transfer any
427 unimproved real property or any interest or right therein, except for
428 access or utility purposes, or develop such property for any use not
429 directly related to a water supply function, other than for public
430 recreational use not prohibited by section 25-43c of the general
431 statutes, until the land use standards and disposition policies required
432 by subsection (b) of this section have been approved by the
433 representative policy board, unless the chief executive officer of the
434 town or city in which such property is located has approved such sale,
435 transfer or development in writing. The provisions of this section shall
436 not apply to any portion of a wastewater system.

437 (b) Within two years from the date it acquires all or part of a water
438 supply system, the authority shall develop and submit to the
439 representative policy board for approval (1) standards for determining
440 the suitability of its real property for categories of land use, including
441 which, if any, of its real property may be surplus with regard to the
442 purity and adequacy of both present and future water supply, which,
443 if any, may be desirable for specified modes of recreation or open
444 space use and which may be suitable for other uses, giving due
445 consideration to the state plan of conservation and development, to
446 classification and performance standards recommended in the final
447 report of the council on water company lands pursuant to subsection
448 (c) of section 16-49c of the general statutes and to such other plans and
449 standards as may be appropriate, and (2) policies regarding the
450 disposition of its real property including identification of dispositions
451 which are unlikely to have any significant effect on the environment.
452 Prior to approving any standards or policies specified in this
453 subsection, the representative policy board shall hold one or more
454 public hearings to consider the proposed standards and policies. The
455 proposed standards and policies shall be available for public

456 inspection in the offices of the authority from the date notice of such
457 hearing is published. The authority may amend such standards and
458 policies from time to time with the approval of the representative
459 policy board, which shall hold public hearings if it deems such
460 amendments substantial.

461 (c) After approval of land use standards and disposition policies in
462 the manner provided in subsection (b) of this section, the authority
463 shall not sell or otherwise transfer any real property or any interest or
464 right therein, except for access or utility purposes, or develop such
465 property for any use not directly related to a water supply function,
466 other than for public recreational use not prohibited by section 25-43c
467 of the general statutes, without the approval of a majority of the
468 weighted votes of all of the members of the representative policy board
469 in the case of a parcel of twenty acres or less, and by three-fourths of
470 the weighted votes of all of the members of said board in the case of a
471 parcel in excess of twenty acres. The representative policy board shall
472 not approve such sale or other transfer unless it determines, following
473 a public hearing, that the proposed action (1) conforms to the
474 established standards and policies of the authority, (2) is not likely to
475 affect the environment adversely, particularly with respect to the
476 purity and adequacy of both present and future water supply, and (3)
477 is in the public interest, giving due consideration, among other factors,
478 to the financial impact of the proposed action on the customers of the
479 authority and on the municipality in which the real property is located.

480 (d) Each request by the authority for approval pursuant to
481 subsection (c) shall be accompanied by an evaluation of the potential
482 impact of the proposed action for which approval is requested, which
483 shall include: (1) A description of the real property and its
484 environment, including its existing watershed function and the costs to
485 the authority of maintaining such property in its current use; (2) a
486 statement that the proposed action conforms to the land classification
487 standards and disposition policies of the authority; (3) a detailed
488 statement of the environmental impact of the proposed action and, if
489 appropriate, of any alternatives to the proposed action, considering (A)

490 direct and indirect effects upon the purity and adequacy of both
491 present and future water supply, (B) the relationship of the proposed
492 action to existing land use plans, including municipal and regional
493 land use plans and the state plan of conservation and development, (C)
494 any adverse environmental effects which cannot be avoided if the
495 proposed action is implemented, (D) any irreversible and irretrievable
496 commitments of resources which would be involved should the
497 proposed action be implemented, and (E) any mitigation measures
498 proposed to minimize adverse environmental impacts; except that for
499 a sale or transfer identified in accordance with subsection (b) as being
500 unlikely to have any significant effect on the environment, the
501 authority may submit a preliminary assessment of the impact likely to
502 occur in lieu of such detailed statement of environmental impact, and
503 the representative policy board may, on the basis of such preliminary
504 assessment, waive or modify the requirements for such detailed
505 statement; and (4) a summary of the final evaluation and
506 recommendation of the authority.

507 (e) The representative policy board shall submit the evaluation
508 required by subsection (d) of this section for comment and review, at
509 least sixty days in advance of the public hearing, to the department of
510 health, the department of planning and energy policy, the regional
511 planning agency for the region, the chief executive officer of the city or
512 town in which that real property is situated and other appropriate
513 agencies, and shall make such evaluation available to the public for
514 inspection. The decision of the representative policy board approving
515 or disapproving the proposed action shall be published in a
516 newspaper or newspapers having a general circulation within the
517 district and copies of such decision shall be filed with the clerk of each
518 town and city in the district.

519 (f) Whenever the authority intends to sell or otherwise transfer any
520 unimproved real property or any interest or right therein after
521 approval by the representative policy board, the authority shall first
522 notify in writing, by certified mail, return receipt requested, the
523 commissioner of environmental protection and the legislative body of

524 the city or town in which such land is situated, of such intention to sell
525 or otherwise transfer such property and the terms of such sale or other
526 transfer, and no agreement to sell or otherwise transfer such property
527 may be entered into by the authority except as provided in this
528 subsection. (1) Within ninety days after such notice has been given, the
529 legislative body of the city or town or the commissioner of
530 environmental protection may give written notice to the authority by
531 certified mail, return receipt requested, of the desire of the city, town
532 or state to acquire such property and each shall have the right to
533 acquire the interest in the property which the authority has declared its
534 intent to sell or otherwise transfer, provided the state's right to acquire
535 the property shall be secondary to that of the city or town. (2) If the
536 legislative body of the city or town or the commissioner of
537 environmental protection fails to give notice as provided in
538 subdivision (1) or gives notice to the authority by certified mail, return
539 receipt requested, that the city, town or state does not desire to acquire
540 such property, the city or town or the state shall have waived its right
541 to acquire such property in accordance with the terms of this
542 subsection. (3) Within eighteen months after notice has been given as
543 provided in subdivision (1) by the city or town or the state of its desire
544 to acquire such property, the authority shall sell the property to the
545 city or town or the state, as the case may be, or, if the parties cannot
546 agree upon the amount to be paid therefor, the city or town or the state
547 may proceed to acquire the property in the manner specified for
548 redevelopment agencies in accordance with sections 8-128 to 8-133,
549 inclusive, of the general statutes, provided property subject to the
550 provisions of subsections (b) and (c) of section 25-32 of the general
551 statutes shall not be sold without the approval of the department of
552 health. (4) If the city or town or the state fails to acquire the property or
553 to proceed as provided in said sections within eighteen months after
554 notice has been given by the city or town or the state of its desire to
555 acquire the property, such city or town or the state shall have waived
556 its rights to acquire such property in accordance with the terms of this
557 subsection. (5) Notwithstanding the provisions of section 21 of [this
558 act] special act 77-98, as amended by section 8 of special act 78-24 and

559 this act, the authority shall not be obligated to make payments in lieu
560 of taxes on such property for the period from the date the city or town
561 gives notice of its desire to acquire such property to the date it either
562 acquires or waives its right to acquire such property. (6)
563 Notwithstanding the provisions of subdivision (4) if the authority
564 thereafter proposes to sell or otherwise transfer such property to any
565 person subject to less restrictions on use for a price less than that
566 offered by the authority to the city or town and the state, the authority
567 shall first notify the city or town and the commissioner of
568 environmental protection of such proposal in the manner provided in
569 subdivision (1), and such city or town and the state shall again have
570 the option to acquire such property and may proceed to acquire such
571 property in the same manner and within the same time limitations as
572 are provided in subdivisions (1) to (4), inclusive, of this subsection. (7)
573 The provisions of this subsection shall not apply to transfers of real
574 property from the authority to any public service company. (8) A copy
575 of each notice required by this subsection shall be sent by the party
576 giving such notice to the clerk of the town or city in which the real
577 property is situated and such clerk shall make all such notices part of
578 the appropriate land records.

579 (g) Nothing contained in this section shall be construed to deprive
580 the state department of health of its jurisdiction under section 25-32 of
581 the general statutes. The authority shall notify the state commissioner
582 of health of any proposed sale or other transfer of land, or change of
583 use as required by said section.

584 (h) The authority shall use the proceeds of any sale or transfer under
585 this section solely for capital improvements to its remaining properties,
586 acquisition of real property or any interest or right therein, retirement
587 of debt or any combination of such purposes.

588 (i) The provisions of this section shall apply to any unimproved real
589 property or any interest or right therein related to the water supply
590 system whether owned or possessed by the authority or by any
591 subsidiary corporation.

592 Sec. 14. Section 19 of special act 77-98 is amended to read as follows
593 (*Effective from passage*):

594 The authority shall not acquire, by purchase, lease or otherwise, any
595 existing water supply system or parts thereof, any wastewater system
596 or parts thereof or commence any project costing more than [three]
597 two million dollars to repair, improve, construct, reconstruct, enlarge
598 and extend any of its properties or systems without the approval,
599 following a public hearing, of a majority of the total weighted votes of
600 the membership of the representative policy board. In the case of the
601 first acquisition by the authority of an existing water supply system or
602 part thereof, after such approval by the representative policy board the
603 authority shall file with the town clerk of each city and town in the
604 district its plan for such acquisition. The legislative body of each such
605 city and town shall approve or disapprove such acquisition plan
606 within sixty days after such filing, provided failure to disapprove
607 within such sixty days shall be deemed approval of such acquisition
608 plan. The authority shall not first acquire an existing water supply
609 system or part thereof except in accordance with an acquisition plan
610 approved by at least sixty per cent of such legislative bodies.

611 Sec. 15. Subsection (a) of section 21 of special act 77-98, as amended
612 by section 8 of special act 78-24, is amended to read as follows (*Effective*
613 *from passage*):

614 (a) Neither the authority nor a subsidiary corporation shall be
615 required to pay taxes or assessments upon any of the properties
616 acquired by it or under its jurisdiction, control or supervision,
617 provided in lieu of such taxes or assessments the authority shall make
618 annual payments to each municipality in which it or a subsidiary
619 corporation owns property related to the water supply system equal
620 to the taxes which would otherwise be due for the property of the
621 authority or such subsidiary corporation in such municipality,
622 excluding any improvements made to or constructed on any such real
623 property by the authority or such subsidiary corporation, provided
624 land owned by the authority or a subsidiary corporation related to the

625 water supply system shall be assessed in accordance with section 12-63
626 of the general statutes, and provided further payments for property
627 acquired by the authority or a subsidiary corporation during any tax
628 year shall be adjusted for such fractional year in accordance with the
629 customary practice in such municipality for adjusting taxes between
630 the buyer and seller of real property. In addition, the authority or a
631 subsidiary corporation shall reimburse each such municipality for its
632 expenses in providing municipal services to any improvements made
633 to or constructed on any real property by the authority or such
634 subsidiary corporation within such municipality. As used in this
635 section, "improvements" does not include water pipes or
636 improvements to water pipes.

637 Sec. 16. Section 22 of special act 77-98 is amended to read as follows
638 (*Effective from passage*):

639 (a) The authority, subject to the approval of the representative
640 policy board, shall have the power and is authorized from time to time
641 to issue its negotiable bonds for any of its corporate purposes,
642 including incidental expenses in connection therewith, and to secure
643 the payment of the same by a lien or pledge covering all or part of its
644 contracts, earnings or revenues. The authority shall have power from
645 time to time, whenever it deems refunding expedient, to refund any
646 bonds by the issuance of new bonds within the terms of any refunding
647 provisions of its bonds, whether the bonds to be refunded have or
648 have not matured, and may issue bonds partly to refund bonds then
649 outstanding and partly for any of its public purposes. Except as may
650 be otherwise expressly provided by the authority, every issue of bonds
651 by the authority shall be preferred obligations, taking priority over all
652 other claims against the authority, including payments in lieu of taxes
653 to any municipality, and payable out of any moneys, earnings or
654 revenues of the authority, subject only to any agreements with the
655 holders of particular bonds pledging any particular moneys, earnings
656 or revenues. Notwithstanding the fact that the bonds may be payable
657 from a special fund, if they are otherwise of such form and character as
658 to be negotiable instruments under the terms of the uniform

659 commercial code, the bonds shall be negotiable instruments within the
660 meaning of and for all the purposes of the uniform commercial code,
661 subject only to the provisions of the bonds for registration.

662 (b) The bonds shall be authorized by resolution of the authority and
663 shall bear such date or dates, mature at such time or times, not
664 exceeding forty years from their respective dates, bear interest at such
665 rates per annum, not exceeding statutory limitations, be payable at
666 such times, be in such denomination, be in such form, either coupon or
667 registered, carry such registration privileges, be executed in such
668 manner, be payable in lawful money of the United States of America,
669 at such place or places, and be subject to such terms of redemption as
670 such resolution or resolutions may provide. All bonds of the authority
671 shall be sold through a negotiated sale or a public sale [upon sealed
672 bids] to the bidder who shall offer the lowest [net interest] cost to the
673 authority, to be determined by the authority. [The notice of sale shall
674 be published at least once, not less than ten nor more than forty days
675 before the date of sale, in a financial newspaper circulated in the state
676 of Connecticut and the city of New York and designated by the
677 authority. The notice shall call for the receipt of sealed bids and shall
678 fix the date, time and place of sale.]

679 (c) Any resolution or resolutions authorizing any bonds or any issue
680 of bonds may contain provisions which shall be a part of the contract
681 with the holders of the bonds thereby authorized as to (1) pledging all
682 or any part of the moneys, earnings, income and revenues derived
683 from all or any part of the properties of the authority to secure the
684 payment of the bonds or of any issue of the bonds subject to such
685 agreement with the bondholders as may then exist; (2) the rates,
686 rentals, fees and other charges to be fixed and collected and the
687 amounts to be raised in each year thereby, and the use and disposition
688 of the earnings and other revenues; (3) the setting aside of reserves and
689 the creation of sinking funds and the regulation and disposition
690 thereof; (4) limitations on the rights of the authority to restrict and
691 regulate the use of the properties in connection with which such bonds
692 are issued; (5) limitations on the purposes to which, and the manner in

693 which, the proceeds of sale of any issue of bonds may be applied; (6)
694 limitations on the issuance of additional bonds, the terms upon which
695 additional bonds may be issued and secured, and the refunding of
696 outstanding or other bonds; (7) the procedure, if any, by which the
697 terms of any contract with bondholders may be amended or
698 abrogated, the amount of bonds the holders of which must consent
699 thereto and the manner in which such consent may be given; (8) the
700 creation of special funds into which any earnings or revenues of the
701 authority may be deposited; (9) the terms and provisions of any trust
702 deed or indenture securing the bonds or under which bonds may be
703 issued; (10) definitions of the acts or omission to act which shall
704 constitute a default in the obligations and duties of the authority to the
705 bondholders and providing the rights and remedies of the
706 bondholders in the event of such default, including as a matter of right
707 the appointment of a receiver, provided such rights and remedies shall
708 not be inconsistent with the general laws of this state; (11) limitations
709 on the power of the authority to sell or otherwise dispose of its
710 properties; (12) any other matters, of like or different character, which
711 in any way affect the security or protection of the bonds; and (13)
712 limitations on the amount of moneys derived from the properties to be
713 expended for operating, administrative or other expenses of the
714 authority.

715 (d) The authority may obtain from a commercial bank or insurance
716 company a letter of credit, line of credit or other liquidity facility or
717 credit facility for the purpose of providing funds for the payments in
718 respect of bonds, notes or other obligations required by the holder
719 thereof to be redeemed or repurchased prior to maturity or for
720 providing additional security for such bonds, notes or other
721 obligations. In connection therewith, the authority may enter into
722 reimbursement agreements, remarketing agreements, standby bond
723 purchase agreements and any other necessary or appropriate
724 agreements. The authority may pledge all or any part of the moneys,
725 earnings, income and revenues derived from all or any part of the
726 properties of the authority and any other property which may be

727 pledged to bondholders to secure its payment obligations under any
728 agreement or contract entered into pursuant to this section subject to
729 such agreements with the bondholders as may then exist.

730 (e) In connection with or incidental to the carrying of bonds or notes
731 or in connection with or incidental to the sale and issuance of bonds or
732 notes, the authority may enter into such contracts to place the
733 obligation of the authority, as represented by the bonds or notes, in
734 whole or in part, on such interest rate or cash flow basis as the
735 authority may determine, including without limitation, interest rate
736 swap agreements, insurance agreements, forward payment conversion
737 agreements, futures contracts, contracts providing for payments based
738 on levels of, or changes in, interest rates or market indices, contracts to
739 manage interest rate risk, including without limitation, interest rate
740 floors or caps, options, puts, calls and similar arrangements. Such
741 contracts shall contain such payment, security, default, remedy and
742 other terms and conditions as the authority may deem appropriate and
743 shall be entered into with such party or parties as the authority may
744 select, after giving due consideration, where applicable, for the
745 creditworthiness of the counter party or counter parties. The authority
746 may pledge all or any part of the moneys, earnings, income and
747 revenues derived from all or any part of the properties of the authority
748 and any other property which may be pledged to bondholders to
749 secure its payment obligations under any agreement or contract
750 entered into pursuant to this section subject to such agreements with
751 the bondholders as may then exist.

752 [(d)] (f) It is the intention of the general assembly that any pledge of
753 earnings, revenues or other moneys made by the authority shall be
754 valid and binding from the time when the pledge is made; that the
755 earnings, revenues or other moneys so pledged and thereafter received
756 by the authority shall immediately be subject to the lien of such pledge
757 without any physical delivery thereof or further act, and that the lien
758 of any such pledge shall be valid and binding as against all parties
759 having claims of any kind in tort, contract or otherwise against the
760 authority irrespective of whether such parties have notice thereof.

761 Neither the resolution nor any other instrument by which a pledge is
762 created need be recorded.

763 [(e)] (g) Neither the members of the authority nor any person
764 executing the bonds shall be liable personally on the bonds or be
765 subject to any personal liability or accountability by reason of the
766 issuance thereof.

767 [(f)] (h) The authority shall have the power out of any funds
768 available to purchase, as distinguished from the power of redemption
769 above provided, any bonds issued by it at a price of not more than the
770 principal amount thereof and accrued interest, and all bonds so
771 purchased shall be cancelled.

772 [(g)] (i) In the discretion of the authority, the bonds may be secured
773 by a trust indenture by and between the authority and a corporate
774 trustee, which may be any trust company or bank having the powers
775 of a trust company. Such trust indenture may contain such provisions
776 for protecting and enforcing the rights and remedies of the
777 bondholders as may be reasonable and proper and not in violation of
778 any law, including covenants setting forth the duties of the authority
779 in relation to the construction, maintenance, operation, repair and
780 insurance of the properties and the custody, safeguarding and
781 application of all moneys, and may provide that the properties shall be
782 constructed and paid for under the supervision and approval of
783 consulting engineers. The authority may provide by such trust
784 indenture or other depository for the methods of disbursement thereof,
785 with such safeguards and restrictions as it may determine. All
786 expenses incurred in carrying out such trust indenture may be treated
787 as part of the cost of maintenance, operation and repair of the
788 properties. If the bonds are secured by a trust indenture, bondholders
789 shall have no authority to appoint a separate trustee to represent them.

790 [(h)] (j) Notwithstanding any other provision of sections 1 to 33,
791 inclusive, of [this act] special act 77-98, as amended by special act 78-
792 24, special act 84-46 and this act, any resolution or resolutions

793 authorizing bonds or notes of the authority shall contain a covenant by
794 the authority that it will at all times maintain rates, fees, rentals or
795 other charges sufficient to pay, and that any contracts entered into by
796 the authority for the sale and distribution of water or the collection of
797 wastewater shall contain rates, fees, rentals or other charges sufficient
798 to pay, the cost of operation and maintenance of the properties and the
799 principal of and interest on any obligation issued pursuant to such
800 resolution or resolutions as the same severally become due and
801 payable, and to maintain any reserves or other funds required by the
802 terms of such resolution or resolutions.

803 [(i)] (k) If any officer of the authority whose signature or a facsimile
804 of whose signature appears on any bonds or coupons ceases to be such
805 officer before delivery of such bonds, such signature or such facsimile
806 shall nevertheless be valid and sufficient for all purposes as if he had
807 remained in office until such delivery.

808 Sec. 17. Section 23 of special act 77-98 is amended to read as follows
809 (*Effective from passage*):

810 The authority shall have the power and is authorized to issue
811 negotiable [bond anticipation] notes and may renew the same from
812 time to time, but the maximum maturity of any such note, including
813 renewals thereof, shall not exceed five years from date of issue of such
814 original note. Such notes shall be paid from any moneys of the
815 authority available therefor and not otherwise pledged or from the
816 proceeds of the sale of the bonds of the authority in anticipation of
817 which they were issued. The notes shall be issued and may be secured
818 in the same manner as the bonds and such notes and the resolution or
819 resolutions authorizing such notes may contain any provisions,
820 conditions or limitations which the bonds or a bond resolution of the
821 authority may contain. Such notes shall be as fully negotiable as the
822 bonds of the authority.

823 Sec. 18. Section 29 of special act 77-98 is amended to read as follows
824 (*Effective from passage*):

825 Insofar as the provisions of sections 1 to 33, inclusive, of [this act]
826 special act 77-98, as amended by special act 78-24 and this act, are
827 inconsistent with the provisions of any other general or special act or
828 any municipal ordinance, the provisions of sections 1 to 33, inclusive,
829 of [this act] special act 77-98, as amended by special act 78-24 and this
830 act, shall be controlling; provided nothing contained in sections 1 to 33,
831 inclusive, of [this act] special act 77-98, as amended by special act 78-
832 24, special act 84-46 and this act, shall exempt the authority from
833 compliance with zoning regulations lawfully established by any
834 municipality, except that the plants, structures and other facilities of
835 the water supply system or the wastewater system owned or operated
836 by the authority shall be permitted uses in all zoning districts in every
837 city, town or borough within the district; and provided further that the
838 authority may not construct purification or filtration plants or
839 wastewater treatment plants in any zoning district in which such use is
840 not permitted under local zoning regulations without first obtaining
841 approval of the proposed location of such facility from the
842 representative policy board following a public hearing.

843 Sec. 19. Section 30 of special act 77-98, as amended by section 10 of
844 special act 78-24, is amended to read as follows (*Effective from passage*):

845 (a) The authority or any person who is aggrieved by a decision of
846 the representative policy board with respect to the establishment of
847 rates or charges, the establishment of land use standards and
848 disposition policies, the sale or other transfer or change of use of real
849 property, the location of purification, [or] filtration or wastewater
850 treatment plants, the commencement of any project costing more than
851 [one] two million dollars to repair, improve, construct, reconstruct,
852 enlarge or extend any of the properties or systems of the authority or
853 the acquisition by purchase, lease or otherwise of any existing water
854 supply system, wastewater system or part thereof, other than the
855 purchase of all or any part of the properties and franchises of the New
856 Haven Water Company, is entitled to [judicial] review [under] by the
857 Superior Court as provided in this section. For the purposes of this
858 section the holders of any bonds or notes of the authority and any

859 trustee acting on behalf of such holders shall be deemed aggrieved
860 persons with respect to any decision of the representative policy board
861 which violates any covenant or other provision of the resolution or
862 resolutions authorizing such bonds or notes.

863 (b) Proceedings for review shall be instituted by filing a petition in
864 the [court of common pleas] Superior Court for the judicial district of
865 New Haven [County] within [thirty] forty-five days after publication
866 of the decision of the representative policy board or, if a rehearing is
867 requested, within [thirty] forty-five days after the decision thereon.
868 Copies of the petition shall be served upon the representative policy
869 board and published in a newspaper or newspapers having a general
870 circulation in each town or city comprising the district.

871 (c) The filing of the petition shall not of itself stay enforcement of the
872 decision of the representative policy board. The representative policy
873 board may grant, or the reviewing court may order, a stay upon
874 appropriate terms, provided enforcement of a decision respecting the
875 establishment of rates or charges may be stayed only after issuance of a
876 judgment for the appellant by the reviewing court.

877 (d) Within thirty days after service of the petition, or within such
878 further time as may be allowed by the court, the representative policy
879 board shall transmit to the reviewing court the original or a certified
880 copy of the entire record of the proceeding under review, which shall
881 include the representative policy board's findings of fact and
882 conclusions of law, separately stated. By stipulation of all parties to the
883 review proceedings, the record may be shortened. A party
884 unreasonably refusing to stipulate to limit the record may be taxed by
885 the court for the additional costs. The court may require or permit
886 subsequent corrections or additions to the record.

887 (e) If, before the date set for hearing, application is made to the court
888 for leave to present additional evidence, and it is shown to the
889 satisfaction of the court that the additional evidence is material and
890 that there were good reasons for failure to present it in the proceeding

891 before the representative policy board, the court may refer the case
892 back to the board with instructions to take such evidence as the court
893 directs. The representative policy board may modify its findings and
894 decision by reason of the additional evidence and shall file that
895 evidence and any modifications, new findings, or decisions with the
896 reviewing court.

897 (f) The review shall be conducted by the court without a jury and
898 shall be confined to the record. In cases of alleged irregularities in
899 procedure before the representative policy board, not shown in the
900 record, proof thereon may be taken in the court. The court, upon
901 request, shall hear oral argument and receive written briefs.

902 (g) The court shall not substitute its judgment for that of the
903 representative policy board as to the weight of the evidence on
904 questions of fact. The court [may] shall affirm the decision of the
905 representative policy board [or remand the case for further
906 proceedings. The court may reverse or modify the decision if] unless
907 the court finds that the substantial rights of the appellant have been
908 prejudiced because the representative policy board's findings,
909 inferences, conclusions, or decisions are: (1) In violation of
910 constitutional provisions, the general statutes or the provisions of this
911 or another special act; (2) in excess of the authority of the
912 representative policy board; (3) made upon unlawful procedure; (4)
913 affected by other error of law; (5) clearly erroneous in view of the
914 reliable probative, and substantial evidence on the whole record; or (6)
915 arbitrary or capricious or characterized by abuse of discretion or
916 clearly unwarranted exercise of discretion. If the court finds such
917 prejudice, it shall sustain the appeal and, if appropriate, may render a
918 judgment under subsection (h) of this section or remand the case for
919 further proceedings.

920 (h) If a particular representative policy board action is required by
921 law, the court, on sustaining the appeal, may render a judgment that
922 modifies the representative policy board decision, orders the
923 representative policy board action, or orders the representative policy

924 board to take such action as may be necessary to effect the particular
 925 action.

926 [(h)] (i) In any case in which an aggrieved party claims that he
 927 cannot pay the costs of an appeal under this section and will thereby
 928 be deprived of a right to which he is entitled, he shall, within the time
 929 permitted for filing the appeal, file with the clerk of the court to which
 930 the appeal is to be taken an application for waiver of payment of such
 931 fees, costs and necessary expenses, including the requirements of
 932 bond, if any. The application shall conform to the requirements of
 933 section 28A of the Practice Book. After such hearing as the court
 934 determines is necessary, the court shall enter its judgment on the
 935 application, which judgment shall contain a statement of the facts the
 936 court has found, with its conclusions thereon. The filing of the
 937 application for the waiver shall toll the time limits for the filing of an
 938 appeal until such time as a judgment on such application is entered.

939 [(i)] (j) Neither the authority nor the representative policy board
 940 shall be construed to be an agency within the scope of chapter 54 of the
 941 general statutes.

942 Sec. 20. Section 12 of special act 78-24 is amended to read as follows
 943 (*Effective from passage*):

944 Neither the members of the authority, [nor] any person acting in its
 945 behalf nor any member or employee of the representative policy board,
 946 while acting within the scope of their authority shall be subject to any
 947 personal liabilities resulting from the erection, construction,
 948 reconstruction, maintenance or operation of the properties or any of
 949 the improvements of the authority or a subsidiary corporation or
 950 resulting from carrying out any of the powers expressly given in
 951 special act 77-98, as amended by [this act] special act 78-24, special act
 952 84-46, special act 99-12 and this act."

This act shall take effect as follows:	
Section 1	<i>from passage</i>

Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>